

STUMP SUBSTITUTE FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1150

I move the following SUBSTITUTE amendment to the HEALTH Committee

Amendment to

SENATE BILL 1150 (Reference to Senate engrossed bill)

1 Page 1, strike lines 2 through 4, insert:

2 "Section 1. Section 32-2801, Arizona Revised Statutes, is amended to
3 read:

4 32-2801. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agency" means the radiation regulatory agency established under
7 section 30-652.

8 2. "Board" means the medical radiologic technology board of examiners.

9 3. "Certificate" means a certificate granted and issued by the board.

10 4. "Certified technologist" means a person holding a certificate
11 granted and issued by the board.

12 5. "Direction" means responsibility for and control of the application
13 of ionizing radiation to human beings for diagnostic or therapeutic purposes.

14 6. "Ionizing radiation" means gamma rays and x-rays, alpha and beta
15 particles, high speed electrons, neutrons, protons and other nuclear
16 particles or rays.

17 7. "Leg" means that part of the lower limb between the knee and the
18 foot.

19 8. "Licensed practitioner" means a person licensed or otherwise
20 authorized by law to practice medicine, dentistry, osteopathy, podiatry,
21 chiropractic or naturopathic medicine in this state.

22 9. "Practical technologist in podiatry" means a person holding a
23 practical technologist in podiatry certificate granted and issued by the
24 board.

25 10. "Practical technologist in podiatry certificate" means a
26 certificate issued to a person, other than a licensed practitioner, who
27 applies ionizing radiation to the foot and leg for diagnostic purposes while
28 under the specific direction of a licensed practitioner.

29 11. "Practical technologist in radiology" means a person holding a
30 practical technologist in radiology certificate granted and issued by the
31 board.

1 12. "Practical technologist in radiology certificate" means a
2 certificate issued to a person, other than a licensed practitioner, who
3 applies ionizing radiation to specific parts of the human body for diagnostic
4 purposes while under the specific direction of a licensed practitioner.

5 13. "Radiologic technologist" means a person who holds a certificate
6 issued by the board that allows that person to apply ionizing radiation to
7 individuals at the direction of a licensed practitioner for general
8 diagnostic or therapeutic purposes.

9 14. "Radiologic technology" means the science and art of applying
10 ionizing radiation to human beings for general diagnostic or therapeutic
11 purposes.

12 15. "Radiologic technology certificate" means a certificate issued in
13 radiologic technology to a person with at least twenty-four months of
14 full-time study or its equivalent through an approved program and who has
15 successfully completed an examination by a national certifying body.

16 16. "Radiologist" means a licensed practitioner of medicine or
17 osteopathy who has undertaken a course of training which meets the
18 requirements for admission to the examination of the American board of
19 radiology or the American osteopathic board of radiology.

20 17. "RADIOLOGIST ASSISTANT" MEANS A PERSON WHO HOLDS A CERTIFICATE
21 PURSUANT TO SECTION 32-2819.

22 ~~17.~~ 18. "Unethical professional conduct" means the following acts,
23 whether occurring in this state or elsewhere:

24 (a) Intentional betrayal of a professional confidence or intentional
25 violation of a privileged communication except as required by law. This
26 subdivision does not prevent members of the board from the exchange of
27 information with the radiologic licensing and disciplinary boards of other
28 states, territories or districts of the United States or foreign countries.

29 (b) Use of controlled substances as defined in section 36-2501,
30 narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401 or
31 hypnotic drugs, derivatives or any compounds, mixtures or preparations that
32 may be used for producing hypnotic effects or use of alcohol to the extent
33 that it affects the ability of the certificate or permit holder to practice
34 his profession.

35 (c) Using drugs for other than accepted therapeutic purposes.

36 (d) Gross malpractice.

1 (e) Acting or assuming to act as a member of the board if this is not
2 true.

3 (f) Procuring or attempting to procure a certificate or license by
4 fraud or misrepresentation.

5 (g) Having professional connection with or lending one's name to an
6 illegal practitioner of radiologic technology or any other health profession.

7 (h) Offering, undertaking or agreeing to correct, cure or treat a
8 condition, disease, injury, ailment or infirmity by a secret means, method,
9 device or instrumentality.

10 (i) Refusing to divulge to the board, on reasonable notice and demand,
11 the means, method, device or instrumentality used in the treatment of a
12 condition, disease, injury, ailment or infirmity. This subdivision shall not
13 apply to communication between a technologist or permit holder and a patient
14 with reference to a disease, injury, ailment or infirmity, or as to any
15 knowledge obtained by personal examination of the patient.

16 (j) Giving or receiving, or aiding or abetting the giving or
17 receiving, of rebates, either directly or indirectly.

18 (k) Knowingly making any false or fraudulent statement, written or
19 oral, in connection with the practice of radiologic technology.

20 (l) Refusal, revocation or suspension of a certificate or license by
21 any other state, territory, district or country for reasons that relate to
22 the person's ability to safely and skillfully practice radiologic technology
23 or to any act of unprofessional conduct.

24 (m) Any conduct or practice which does or would constitute a danger to
25 the health of the patient or the public.

26 (n) Obtaining a fee by fraud or misrepresentation or willfully or
27 intentionally filing a fraudulent claim with a third party for services
28 rendered or to be rendered to a patient.

29 (o) Employing uncertified persons to perform or aiding and abetting
30 uncertified persons in the performance of work which can be done legally only
31 by certified persons.

32 (p) Violating or attempting to violate, directly or indirectly, or
33 assisting or abetting the violation of or conspiring to violate the
34 provisions of this chapter or a rule adopted by the board.

35 ~~18-~~ 19. "Unlimited practical technologist in radiology" means a person
36 holding an unlimited practical technologist in radiology certificate granted
37 and issued by the board.

1 ~~19-~~ 20. "Unlimited practical technologist in radiology certificate"
2 means a certificate issued to a person in 1977 or 1978, other than a licensed
3 practitioner, who applies ionizing radiation to the human body for diagnostic
4 purposes while under the specific direction of a licensed practitioner.

5 Sec. 2. Section 32-2812, Arizona Revised Statutes, is amended to read:

6 32-2812. Application for certificate; qualifications; fee;
7 exceptions

8 A. An applicant for a certificate shall submit an application for
9 certification or an application for examination for certification,
10 accompanied by a nonrefundable fee of sixty dollars. The application for
11 certification fee may be prorated quarterly over the certification period.
12 An applicant who has practiced radiography without certification shall pay a
13 prorated fee retroactively to the earliest date of uncertified practice. The
14 fee for a replacement certificate is ten dollars. The application for
15 examination fee is seventy dollars and shall not be prorated. An application
16 shall be verified by oath or affirmation and shall contain information that
17 the applicant:

- 18 1. Is at least eighteen years of age.
- 19 2. Is of good moral character.
- 20 3. Has successfully completed OR OBTAINED:

21 (a) ~~Either~~ IN THE CASE OF APPLICATION FOR RADIOLOGIC TECHNOLOGIST
22 CERTIFICATION, a four-year course of study in a secondary school approved by
23 the board or an equivalent board approved course of study in addition to a
24 course of study at a school of radiologic technology approved by the board.

25 (b) In the case of application for practical technologist in podiatry
26 certification and practical technologist in radiology certification, high
27 school or its equivalent as determined by the board with the advice of the
28 state board of education, and satisfactorily meets the basic requisites
29 determined by the board pursuant to section 32-2803.

30 (c) IN THE CASE OF APPLICATION FOR RADIOLOGIST ASSISTANT
31 CERTIFICATION, A BACCALAUREATE DEGREE OR POSTBACCALAUREATE CERTIFICATE FROM
32 AN ADVANCED ACADEMIC PROGRAM THAT ENCOMPASSES A NATIONALLY RECOGNIZED
33 RADIOLOGIST ASSISTANT CURRICULUM THAT INCLUDES A RADIOLOGIST-DIRECTED
34 CLINICAL PRECEPTORSHIP. AN APPLICANT FOR CERTIFICATION BEFORE APRIL 1, 2009
35 IS NOT REQUIRED TO HAVE A BACCALAUREATE DEGREE OR POSTBACCALAUREATE
36 CERTIFICATE, BUT MUST HAVE COMPLETED AN ADVANCED ACADEMIC PROGRAM THAT

1 ENCOMPASSES A NATIONALLY RECOGNIZED RADIOLOGIST ASSISTANT CURRICULUM THAT
2 INCLUDES A RADIOLOGIST-DIRECTED CLINICAL PRECEPTORSHIP.

3 B. If the application is in proper form and it appears that the
4 applicant meets the eligibility requirements, the applicant shall be notified
5 of the time and place of the next examination.

6 C. The board may accept, in lieu of its own examination, a valid
7 certificate issued on the basis of an examination by a certificate-granting
8 body recognized by the American medical association or the American
9 osteopathic association, or a certificate, registration or license issued by
10 another state if that state's standards for certification, registration or
11 licensure are satisfactory to the board.

12 D. The board may deny a certificate to an applicant who has committed
13 an act or engaged in conduct in any jurisdiction that resulted in a
14 disciplinary action against the applicant or that would constitute grounds
15 for disciplinary action under this chapter.

16 E. The board or chairman of the board may designate a representative
17 to approve or deny applications for certification."

18 Renumber to conform

19 Line 7, strike "licensure" insert "certification"

20 Line 8, strike ";fund"

21 Line 10, strike "LICENSE" insert "CERTIFICATE"

22 Line 11, after "BOARD" strike remainder of line; strike lines 12 through 18,
23 insert "PURSUANT TO THE REQUIREMENTS OF SECTION 32-2812."

24 Strike lines 21 through 24

25 Renumber to conform

26 Strike line 28, insert:

27 "C. PURSUANT TO RULES ADOPTED BY THE BOARD, A RADIOLOGIST ASSISTANT
28 MAY DO THE"

29 Line 37, strike "GUIDELINES" insert "RULES"

30 Strike lines 38 and 39, insert "THE BOARD."

31 D. IN ADOPTING RULES PURSUANT TO SUBSECTION C OF THIS SECTION, THE
32 BOARD SHALL CONSIDER GUIDELINES ESTABLISHED BY THE AMERICAN COLLEGE OF
33 RADIOLOGY, THE AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS AND THE AMERICAN
34 REGISTRY OF RADIOLOGIC TECHNOLOGISTS."

35 Reletter to conform

36 Line 40, after "D." strike remainder of line insert "A RADIOLOGIST ASSISTANT
37 SHALL NOT"

1 Lines 42 and 43, strike "WHO IS LICENSED PURSUANT TO THIS SECTION"

2 Line 44, after the period, strike remainder of line; strike line 45

3 Page 2, strike lines 1 through 3

4 Line 4, strike "LICENSE" insert "CERTIFICATE"

5 Line 15, after "LICENSE" insert "OR CERTIFICATE"

6 Strike lines 17 through 22 insert:

7 "Sec. 4. Section 32-2821, Arizona Revised Statutes, is amended to
8 read:

9 32-2821. Revocation or suspension of certificate; other
10 disciplines; grounds; procedures; penalty; judicial
11 review

12 A. The certificate of a technologist, RADIOLOGIST ASSISTANT or permit
13 holder may be suspended for a fixed period, or may be revoked, or the
14 technologist OR RADIOLOGIST ASSISTANT may be censured, reprimanded or
15 otherwise disciplined, if after a hearing pursuant to title 41, chapter 6,
16 article 10 it is determined that the holder of the certificate or permit:

17 1. Is guilty of any fraud or deceit in activities as a technologist OR
18 RADIOLOGIST ASSISTANT or has been guilty of any fraud or deceit in procuring
19 or maintaining a certificate.

20 2. Has been convicted in a court of competent jurisdiction of a crime
21 involving moral turpitude. If the conviction has been reversed and the
22 holder of the certificate or permit has been discharged or acquitted or if
23 the holder of the certificate or permit has been pardoned or the holder's
24 civil rights have been restored, the certificate may be restored.

25 3. Is an habitual drunkard or is addicted to the use of morphine,
26 cocaine or other drugs having similar effect, is insane or uses
27 hallucinogens.

28 4. Has knowingly aided or abetted a person, not otherwise authorized,
29 who is not a certified technologist OR RADIOLOGIST ASSISTANT or has not been
30 issued a special permit in engaging in the activities of a technologist OR
31 RADIOLOGIST ASSISTANT.

32 5. Has undertaken or engaged in any practice beyond the scope of the
33 authorized activities of a certified technologist, RADIOLOGIST ASSISTANT or
34 permit holder pursuant to this chapter.

35 6. Has impersonated a duly certified technologist, RADIOLOGIST
36 ASSISTANT or permit holder or former duly certified technologist, RADIOLOGIST

1 **ASSISTANT** or permit holder or is engaging in the activities of a
2 technologist, **RADIOLOGIST ASSISTANT** or permit holder under an assumed name.

3 7. Has been guilty of unethical professional conduct.

4 8. Has continued to practice without obtaining a certificate renewal
5 or a special permit renewal.

6 9. Has applied ionizing radiation to a human being when not operating
7 in each particular case under the direction of a duly licensed practitioner
8 or to any person or part of the human body other than specified in the law
9 under which the practitioner is licensed.

10 10. Has acted or is acting as an owner, co-owner or employer in any
11 enterprise engaged in the application of ionizing radiation to human beings
12 for the purpose of diagnostic interpretation or the treatment of disease,
13 without being under the direction of a licensed practitioner.

14 11. Has used or is using the prefix "Dr.", the word "doctor" or any
15 prefix or suffix to indicate or imply that the person is a duly licensed
16 practitioner if this is not true.

17 12. Is or has been guilty of incompetence or negligence in activities
18 as a technologist.

19 13. Is or has been afflicted with any medical problem, disability or
20 addiction, that the board determines impairs the certificate or permit
21 holder's professional competence.

22 14. Has interpreted a diagnostic image for a physician, a patient, the
23 patient's family or the public.

24 B. Proceedings pursuant to this section against any certified
25 technologist, **RADIOLOGIST ASSISTANT** or permit holder shall begin by filing
26 with the board a written charge or charges under oath against the
27 technologist, **RADIOLOGIST ASSISTANT** or permit holder. The charges may be
28 ~~preferred~~ **REFERRED** by any person, corporation, association or public officer
29 or by the board on its own motion. A copy of the charges, together with a
30 report of the investigation as the board deems proper, shall be referred to
31 the chairman of the board for review. If the chairman decides that the
32 charges should be heard, the chairman shall designate three or more members
33 of the board as a committee to hear and report on the charges and shall set a
34 time and place for the hearing pursuant to title 41, chapter 6, article 10.
35 A copy of the charges, together with a notice of the time and place of
36 hearing, shall be served on the person charged either personally or by
37 certified mail at least twenty days before the date fixed for the hearing.

1 The board or its committee may issue subpoenas for the appearance of
2 witnesses and to take testimony under oath.

3 C. If the certificate of any person has been revoked or suspended the
4 board may, after the expiration of two years, entertain an application for
5 restoration of the certificate under conditions to be prescribed by the board
6 for each individual case.

7 D. The board may impose a penalty of not to exceed two hundred fifty
8 dollars for each violation of this section. The board shall deposit,
9 pursuant to sections 35-146 and 35-147, monies collected pursuant to this
10 subsection in the state general fund.

11 E. Except as provided in section 41-1092.08, subsection H, a person
12 may appeal a final board decision to the superior court pursuant to title 12,
13 chapter 7, article 6.

14 F. The board may Issue a nondisciplinary order requiring the
15 certificate holder or permit holder to complete a prescribed number of hours
16 of continuing education in an area or areas prescribed by the board to
17 provide the certificate holder or permit holder with the necessary
18 understanding of current developments, skills, procedures or treatment."

19 Amend title to conform

BOB STUMP

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